

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:11-00238

HARRY MARSHALL RAE

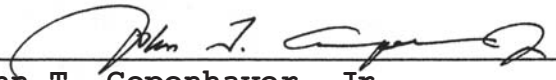
O R D E R

Upon the Unopposed Motion of the United States to Continue Trial, filed by counsel, Steven R. Ruby, Assistant United States Attorney, on January 19, 2012, requesting an order continuing the trial scheduled for January 23, 2012, to January 30, 2012, in order to provide more time to finalize the plea agreement inasmuch as the defendant resides in California; and the defendant, by his counsel, Mary Lou Newberger, Federal Public Defender, having no objection as set forth in the motion and as related to the court's clerk; it is ORDERED that the motion be, and it hereby is, granted and the trial in this action is continued until 9:30 a.m. on January 30, 2012.

Pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), the court finds the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial inasmuch as failure to grant the continuance would deny counsel for the defendant the reasonable time necessary for effective preparation for trial within the time limits established by the Speedy Trial Act, taking into account the exercise of due diligence. Accordingly, the period of delay from January 23, 2012, until January 30, 2012, is excludable in computing the time within which trial must commence pursuant to the Speedy Trial Act.

The Clerk is directed to forward copies of this order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: January 20, 2012

  
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John T. Copenhaver, Jr.  
United States District Judge